

Remarks

No amendments have been made to the claims.

1. Rejection under 35 U.S.C. 103(a)

Claims 98-135 are rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent 6,696,060 to Grieb *et al.* (“the Grieb patent”). The Examiner acknowledges that the Grieb patent has a common assignee with the subject application and asserts that the Grieb patent constitutes prior art only under 102(e). The Examiner then cites MPEP §706.02(l)(2) in stating that the rejection may be overcome by showing, for example, that the Grieb patent is disqualified under 35 U.S.C. §103(c) as prior art in a rejection under 35 U.S.C. §103(a).

After reviewing the recorded assignment (Reel/Frame: 014784/0441) for the subject application, Applicants confirm that the subject application (Application No. 09/942,941) and the Grieb patent were, at the time the invention was made, owned by Clearant, Inc. Accordingly, Applicants assert that the 35 U.S.C. §103(c) exception applies and respectfully request that the rejection of claims 98-135 under 35 U.S.C. §103(a) be withdrawn.

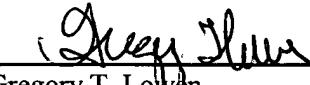
2. Conclusion

Upon consideration of the foregoing, it will be recognized that Applicants have fully and appropriately responded to all of the Examiner’s rejections. Accordingly, all claims are believed to be in proper form in all respects and a favorable action on the merits is respectfully requested. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants’ undersigned representative to expedite prosecution.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

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Respectfully submitted,
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